TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/H54,654
Filing Date	09/18/2001
First Named Inventor	Adolf Proidl
Art Unit	2151
Examiner Name	Karen C.Tang
Attorney Docket Number	AT 000053

Total Number of Pages in This Submission | 24

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Enclosed is an Appeal Brief and the required fee.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LEIMBACH ASSOCIATES
Signature	*[signature]*
Printed name	James D. Leimbach
Date	April 7, 2006
Reg. No.	34,374

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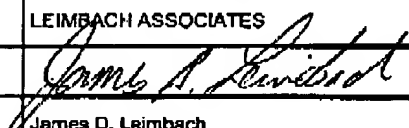| Signature	*[signature]*		
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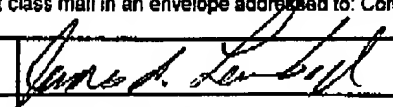Approved for use through 07/31/2006. OMB 0651-0032
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FEE TRANSMITTAL
For FY 2005

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818)

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	500.00

Complete if Known

Application Number	09/854,654
Filing Date	09/18/2001
First Named Inventor	Adolf Proidl
Examiner Name	Karen C. Tang
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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	Small Entity Fee ($)	SEARCH FEES Fee ($)	Small Entity Fee ($)	EXAMINATION FEES Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____ x	_____ =	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____ x	_____ =	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
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4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount)

Fees Paid ($)

Other (e.g., late filing surcharge): Fee for Appeal Brief _____ 500

SUBMITTED BY			
Signature	[signature]	Registration No. (Attorney/Agent) 34,374	Telephone (585) 381-9983
Name (Print/Type) James D. Leimbach		Date 04/07/2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U S C 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

In re Application of	Group Art Unit: 2151
Adolf Proidl	Examiner: Karen C. Tang
INTERNET RECEIVING ARRANGEMENT HAVING QUALITY TEST MEANS	I hereby certify that this correspondence is being deposited today with the United States Postal Services as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patent Commissioner for Patents P.O. Box 1450 Alexandria VA. 22313-1450
Serial No. 09/954,654	
Filed: September 18, 2001	Name: James D. Leimbach Registration No. 34,374 Date: April 7, 2006
Confirmation No. 7510	

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

04/11/2006 EFLORES 00000062 503745   09954654
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Real party in interest

The real party of interest is the Assignee who is U. S. Philips Corporation, a corporation existing under the laws of the State of Delaware (hereinafter Appellant).

Related appeals and interferences

There are no related appeals or interferences to the present application that are known to appellants, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of the Claims

Claims 1-20 are drawn to a receiving arrangement for receiving data stored servers connected to the internet, the arrangement having address retrieval means which, when activation information is present, are adapted to retrieve collective address information from an address server operatively connected to the address retrieval means through the internet, the collective address information identifying those information servers from which information data processable by the internet receiving arrangement can be retrieved, and having information retrieval means for retrieving the processable information data from an information server identified by the retrieved collective address information, and having quality test means for testing the information data retrieved and received by the information retrieval means and for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value or when no information data processable by the internet receiving arrangement are received from the information server. A copy of appealed claims 1-20 is contained in Appendix III following this brief.

Status of the Amendments After Final

A response was filed subsequent to the final rejection to overcome the Examiner's rejection of claims 1-20 under 35 U.S.C. §103(a). The Examiner in an Advisory Action dated

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March 2, 2006 indicated that the rejections of claims 1-20 under the provisions of 35 U.S.C. §103(a) stand.

Summary of the Claimed Subject Matter

The appealed claims define subject matter for a receiving arrangement for receiving information data stored in information servers connected to the internet, the arrangement having address retrieval means which, when activation information is present, are adapted to retrieve collective address information from an address server operatively connected to the address retrieval means through the internet, the collective address information identifying those information servers from which information data processable by the internet receiving arrangement.

Appealed Claim 1 defines subject matter for an internet receiving arrangement (shown in Figure 1 as either internet radio 1, internet television 21, or internet read apparatus 22) for receiving information data (shown in Figure 1 as audio data AD, audio/visual data AVD, exchange data BD, news data ND, or additional data ZD) stored in information servers (shown in Figure 1 as first information server 3, second information server 4, and third information server 5) connected to the internet (illustrated in Figure 1 as NET). The arrangement has address retrieval means (shown in Figure 1 as 7) which, when activation information (AKI) is present, are adapted to retrieve collective address information (ASI) from an address server (6) operatively connected to the address retrieval means through the internet as discussed in the specification on page 4, line 19-page 5, line 12. The collective address information (ASI) identifies the information servers (3, 4, 5) from which information data (AD, AVD, BD, ND, ZD) processable by the internet receiving arrangement (1, 21, 22) can be retrieved as discussed in the specification on page 4 lines 19-29.

Appealed claim 1 further defines subject matter for information retrieval means (shown in Figure 1 as 12 including memory 11, interface 8 and controller 9) for retrieving the processable information data (AD, AVD, BD, ND, ZD) from an information server (3, 4, 5) identified by the retrieved collective address information (ASI) as discussed in the specification on page 6, lines 4-11.

Appealed claim 1 further defines subject matter for quality test means (15) for testing the information data (AD, AVD, BD, ND, ZD) retrieved and received by the information

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retrieval means (12) and for supplying the activation information (AKI) to the address retrieval
means (7) when the quality of the received information data (AD, AVD, BD, ND, ZD) is below a
quality threshold value or when no information data (AD, AVD, BD, ND, ZD) processable by
the internet receiving arrangement (1, 21, 22) are received from the information server (3, 4, 5).
The foregoing subject matter related to quality test means is discussed on page 6, lines 27-31 for
the internet radio 1 configuration testing audio data AD. The embodiment for internet television
21 using audio/visual data AVD and additional data ZD is discussed on page 11, lines 16-27.
The embodiment for internet read apparatus 22 using stock exchange data BD and new data ND
is discussed on page 11, lines 28-31. The embodiment for internet read apparatus 22 using stock
exchange data BD and new data ND is discussed on page 11, line 28-page 12 line 5.

Appealed claim 2 defines subject matter for the internet receiving arrangement (1,
21, 22) as defined by claim 1, in which timer means (18) are provided which at periodically
occurring activation instants supply the activation information (AKI) to the address retrieval
means (7) in order to retrieve the collective address information (ASI). The time means are
discussed in the specification to the present invention on page 9, lines 19-28.

Appealed claim 3 defines subject matter for an internet receiving arrangement (1,
21, 22) as defined by claim 1, in which entry means (13) for the manual entry of the address
information (ASI) of a further information server (3, 4, 5) have been provided from which
information data (AD, AVD, BD, ND, ZD) processable by the internet receiving arrangement (1,
21, 22) can be retrieved. The entry means are discussed on page 9, line 29 – page 10, line 2 as
keypad 13.

Appealed claim 4 defines subject matter for an internet receiving arrangement (1,
21, 22) as defined by claim 1, in which the address retrieval means (7) are adapted to retrieve
transcoding address information (TAI) from the address server (6) when the activation
information (AKI) is present. The transcoding address information (TAI) identifies a transcoding
server (20) which is adapted to transcode information data (AD3) stored in an information server
(5) but not processable by the internet receiving arrangement (1) into information data (AD4)
processable by the internet receiving arrangement (1), and in which the information retrieval
means are adapted to retrieve the information data (AD4) processable by the internet receiving
arrangement (1) from the transcoding server (20) identified by the transcoding address
information (TAI). The transcoding address information TAI is described in the specification to

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the present invention on page 10, lines 21-28.

Appealed claim 5 defines subject matter for the internet receiving arrangement (1) as claimed in claim 1, in which noise generator means (19) are provided and adapted to supply noise information (RS) to information data processing means (16) of the internet receiving arrangement (1) during the time that the activation information (AKI) is present. The noise generator means 19 and noise information RS are described on in the specification on page 9, lines 19-28.

Appealed claim 6 defines subject matter for the internet receiving arrangement (1, 21, 22) as defined by claim 1, in which the address retrieval means (7) are adapted to retrieve at least two items of collective address information (ASI1, ASI2, ASI3, ASI4, TAI) from at least two address servers (6) connected to the internet (NET). As described in the specification on page 5, lines 7-12 and page 10, line 21- page 11, line 31.

Appealed claim 7 defines subject matter for the An internet receiving arrangement as defined in claim 1, which internet receiving arrangement is formed by an internet television set (21) adapted to receive and process audio/video data (AVD) in the form of information data as described in the specification to the present invention on page 11, lines 16-28.

Appealed claim 11 defines subject matter for an internet receiving arrangement (shown in Figure 1 as either internet radio 1, internet television 21, or internet read apparatus 22) for receiving information data (shown in Figure 1 as audio data AD, audio/visual data AVD, exchange data BD, news data ND, or additional data ZD) from information servers that are (shown in Figure 1 as first information server 3, second information server 4, and third information server 5) connected to the internet (illustrated in Figure 1 as NET).

Appealed claim 11 defines subject matter an address retrieval device (shown in Figure 1 as 7) to selectively retrieve collective address information (ASI) from an address server (6), the address retrieval device being operatively connected to the address server only through the internet as discussed in the specification on page 4, line 19-page 5, line 12; wherein an activation information device (AKI) is employed to determine if address information is retrieved (ASI).

Appealed claim 11 further defines subject matter an information retrieval device (shown in Figure 1 as 12 including memory 11, interface 8 and controller 9) configured to retrieve information data (AD, AVD, BD, ND, ZD) from the information servers (3, 4, 5) that are

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identified by the retrieved collective address information (ASI), wherein the collective address information identifies those information servers from which information data is to be retrieved as discussed in the specification on page 6, lines 4-11.

Appealed claim 11 further defines subject matter for a quality test device (15) arranged to test the information data (AD, AVD, BD, ND, ZD) retrieved and received by the information retrieval device (12) and for supplying the activation information (AKI) to the address retrieval device (7) if the quality of the received information data is below a quality threshold value or when no information data is considered processable by the internet receiving arrangement (1, 21, 22). The foregoing subject matter related to the quality test device 15 is discussed on page 6, lines 27-31 for the internet radio 1 configuration testing audio data AD. The embodiment for internet television 21 using audio/visual data AVD and additional data ZD is discussed on page 11, lines 16-27. The embodiment for internet read apparatus 22 using stock exchange data BD and new data ND is discussed on page 11, lines 28-31. The embodiment for internet read apparatus 22 using stock exchange data BD and new data ND is discussed on page 11, line 28-page 12 line 5.

Appealed claim 15 defines the internet receiving arrangement defined in claim 11, including a noise generator (19), wherein the noise generator 19 is adapted to supply noise information (RS) to information data processing means of the internet receiving arrangement during the time that the activation information (AKI) is present. The noise generator 19 and noise information RS are described on in the specification on page 9, lines 19-28.

Grounds of Rejection to be Reviewed on Appeal

The Advisory Action dated March 2, 2006 indicated that the rejections to claim 1-20 stand. Claims 1 through 20 are the appealed claims. Appealed claims 1-20 are rejected under the provisions of 35 U.S.C. §103(a) has been obvious over U.S. Patent No. 6,738,813 issued in the name of Reichman ("*Reichman*") in view of U.S. Patent No. 5,227,863 issued in the name of Bilbrey et al. ("*Bilbrey et al.*").

Argument

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I. The rejection of appealed claim 1-20 under the provisions of 35 U.S.C. §103(a) as being obvious over *Reichman* in view of *Bilbrey et al.*

A. The rejection under 35 U.S.C. S 103(a)

Appealed claims 1-20 stand rejected under the provisions of 35 U.S.C. §103 (a) as being obvious over *Reichman* (U.S. Patent No. 6,738,813) in view of *Bilbrey et al.* (U.S. Patent No. 5,227,863).

The MPEP at §2143 states the basic requirements to establish a *Prima Facie* Case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

B. The references

Reichman (U.S. Patent No. 6,738,813) relates to systems and methods for monitoring unused capacity in server systems (see Title). *Reichman* discusses preexisting technology for web site performance and the ability to detect location dependent problems on web sites (see col. 1, lines 27-47). *Reichman* further discusses preexisting technology for the use of automated agents for monitoring web sites that monitor by periodically accessing web sites to monitor response times and reporting performance data to a centralized location (see col. 1, lines 58-67). *Reichman* addresses the perceived need of the cost of setting up and maintaining agent computers as well providing improvements for services that are more versatile.

Reichman teaches a community having members that monitor the various web sites of the community members by using agents on computer devices that monitor performance

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(see col. 2, lines 9-27). The benefit the *Reichman* provides is to alleviate the service provider
from having to administer the shared community resources and allows the members monitor
systems from any of the community locations (see col. 2, lines 28-60). *Reichman* teaches to
monitor the extent that each member provides processing services to the community. The
community members can test delay that can occur between agent devices and monitored servers.
In this manner, router problems can be accurately determined (see col. 2, lines 61-col. 3, line 16).

The community based architecture of *Reichman* allows for monitoring of servers
as seen from community users on the internet (see col. 3, lines 55-67). *Reichman* teaches that
computing devices 34 with agent components 32 operate by accessing transactional server 30
(via the internet as illustrated in Figure 1) and monitor performance issues such as performance
issues such as response times and hop delays (see col. 4, lines 1-20). The agent component can
include functionality for recording transactions performed by the agents such as logging in,
performing a search, making a reservation or checking a price (see col. 4, lines 20-32). It should
be noted that no addresses retrieval is mentioned or discussed in any way. The agent 32 is stated
as preferably monitoring the transactional server 30 (e.g. via the internet) only when host
computing device is in an idle or lightly loaded state (see col. 4, lines 33-40). A computer 34
with an agent component operates by accessing the transactional server as simulated users and
makes that device 34 available as a registered service user for the community as described on
col. 4, lines 12-20. There is no disclosure or suggestion for receiving information from any
server that could reasonably be considered as address retrieval.

The community based system taught by *Reichman* includes a controller 40 that
communicates with agent devices 34 over the internet and dispatches work requests. The
controller is stated to employ a user interface, preferably a collection of Web Pages, allowing
devices 34 to register for the service and set up monitoring sessions. Information is provided by
the users during setup and stored on database 42 (see col. 4, lines 41-53). Note that there is no
disclosure or suggestion that any information stored is related to addresses.

One of the basic premises of *Reichman*, is that session controller 40B implements
a reciprocal usage policy wherein a devices 34 allowed monitoring use is dependent upon the
extent that device 34 has contributed agent resources to the community. Alternatively, the
service taught by *Reichman* can use monetary compensation or tokens related to contribution of
agent resources to the community (see col. 4, line 54- col. 5, line 23).

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Reichman teaches that an agent directory 40B of current active agents 32 is maintained and that a centralized directory is preferred but that non-centralized protocols of tracking active computers can be used (see col. 5, lines 24-37). The directory 40B can be used by a scheduler to select agents to include in monitoring sessions (see col. 5, lines 38-53). The agents report performance data they measure to report server 50. The reports server 50 and the controller may be accessible through the internet (see col. 5, lines 38-65). The directory taught by *Reichman* teaches a list of currently active agents and does not disclose or suggest collecting address information. The reports sever provides charts and graphs of various performance parameter measured by the agents. The performance parameters include transaction response times, hop delays, and status reports related to the internet (see col. 5, line 66-col. 6, line 47).

Figure 2 of *Reichman* illustrates the process that may be used to set up monitoring sessions through user interface 40A to controller 40. The user may specify parameter or service level thresholds that generates an alarm and prompts the user to select from one of the following options: (1) load test; (2) immediate (manual test); and (3) recurring monitoring session. These three options monitor loads applied to servers or locate agents having desired attributes (see col. 7, line 22- col. 8, line 24). There is no disclosure or suggestion for any quality test mechanism that would give an indication that the received information is below a threshold value that is processable by any of the agents 32, devices 34, controller 40 or reports server 50. It should be noted that these tests monitor load and locate agents with specific attributes and do not provide any function toward address retrieval. Furthermore, the "recurring monitoring session" discussed col. 8, lines 8-24 of *Reichman* has no function that could reasonably be construed as a timer that periodically provides activation information to any type of address retrieval mechanism to retrieve the collective address information.

Figure 3 of *Reichman* illustrates the communications that take place between the agent 34 and the controller 40. The agent 34 will sent message to the controller 40 indicating that the agent is either active or inactive. If active, the controller 40 will send work request to the agent. If an inactive message is received by the controller, then the agents session is transferred to another agent (see col. 8, line 26-col. 9, line 8).

The system and method of *Reichman* can be used to determine "hop" delays on the internet (see col. 9, line 10-col. 10 line 24). The system and method of *Reichman* can further be used to determine user performance of Web sites and other multi-user systems (see col. 10,

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line 24). There is no disclosure or suggestion within *Reichman* for an apparatus that stores internet addresses. Furthermore, there is no disclosure or suggestion within *Reichman* for testing data received from various sites to determine if the data is of a sufficient quality.

Bilbrey et al. (U.S. Patent No. 5,227,863) relates to programmable apparatus for digital processing of video signals from multiple sources converted to digital format to provide real-time multiple simultaneous special video effects (see Abstract).

Bilbrey et al. disclose noise generation on col. 15, lines 55-67. The noise generation discussed by *Bilbrey et al.* on col. 15, lines 55-67 is stated as being linear and Gaussian white noise to create a display effect which is similar to that created by a television set which is not tuned to a station. The noise generation is stated as being particularly useful for filtering. The system module 20 within *Bilbrey et al.* provides sharp transitions to images resulting in aliasing or image artifacts as a result of the sharp transitions. The aliasing is stated by *Bilbrey et al.* to be correctable by system module 20 that is capable of performing such functions as fades and mixes while also simultaneously performing anti-aliasing.

C. The differences between the invention and the references

Appealed claims 1 and 11

The rejection alleges that *Reichman* discloses an internet receiving arrangement as defined by appealed claims 1 and 11. The appellant, respectfully, asserts that the reading applied to the terminology defined by appealed claims 1 and is overly broad and completely unreasonable. The examiner's position is that the client receiving information from server as described at col. 4, lines 20-40 of *Reichman* reads on address retrieval as defined by appealed claims 1 and 11. The appellant, respectfully, points out that *Reichman* at col. 4, lines 20-40 describes the agent 32 having functionality for recordings transactions. The transactions are listed to include logging in, performing a search, making a reservation, or checking the price of an item and are recorded in the form of transaction files. It should be noted that agent 32 monitors severs during idle periods for computer 34. It should be further noted that *Reichman* in

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the description at col. 4, lines 20-40 makes no disclosure or suggestion of anything that could be construed as address retrieval means as defined by appealed claims 1 and 11.

The rejection further alleges that the sessions described at col. 5, lines 35-67 of *Reichman* for receiving information is tantamount to a disclosure or suggestion of the retrieval of collective address information from an address server connected to the internet, and the rejection further contends that the resource availability described at col. 5, lines 35-45 of *Reichman* discloses or suggests the retrieval of collective address information from an address server when activation information is present. The appellant does not agree with the examiner's position that resource availability results in a disclosure or suggestion of the presence of activation information as defined by appealed claims 1 and 11. It should be noted that the receiving of information as described on column 5 of *Reichman* is not conditioned upon resource availability as required by appealed claims 1 and 11. *Reichman* teaches to balances loads based upon monitored load levels. There is no disclosure or suggestion within *Reichman* for the retrieval of collective address information from an address server connected to the internet. Furthermore, there is no disclosure or suggestion within *Reichman* for the retrieval of collective address information from an address server when activation information is present.

The rejection further alleges that *Reichman* teaches the collective address information identifying those information servers from which information data processable by the internet receiving arrangement can be retrieved, and having information retrieval means for retrieving the processable information data from an information server identified by the retrieved collective address information on column 5. Appealed claims 1 and 11 define subject matter for retrieving collective address information from an address server. The rejection is attempting to read controller 40 within *Reichman* as both the address server and the information server defined rejected claims 1 and 11. Accordingly, all the elements within the appealed claims are not found in the rejection. The appellant asserts that appealed claims 1 define retrieving collective address information from an address server connected to the internet, and the collective address information identifying those information servers from which information data processable by the internet receiving arrangement can be retrieved. The examiner's position is that controller 40 and reports server within *Reichman* render obvious the recitation of the address server and the information server defined by appealed claims 1 and 11. The reports server 50 and the controller 40 within the SERVICE PROVIDER WEB SITE illustrated in Fig. 1 of *Reichman* schedule

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based on monitoring performance and do not retrieve not information data. Appealed claims 1 and 11 define subject matter for retrieving information data no monitoring performance data; which subject matter is not fond within the combination made by the rejection. Therefore, all the elements defined by the appealed claims that are not found by the rejection and a *prima facie* case of obviousness has not been established.

The rejection further alleges that *Reichman* in column 7, lines 35-67 teaches a quality test for testing the information data retrieved and received by the information retrieval means and for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value or when no information is data processable by the internet receiving arrangement received from the information server. The examiner's position is that the load test taught by *Reichman* discloses or is suggestive of the quality test means defined by appealed claims 1 and 11. The Applicant, respectfully, points out that the load test taught by *Reichman* monitors the load applied to a transactional server by monitoring the performance of data streams and that this is not the subject matter defined by the appealed claims. Appealed claims 1 and 11 define subject matter for testing the information data. The appellants assert that the term "testing of data" can not be read so broadly to encompass "monitoring the performance of data". There is no disclosure or suggestion within is no disclosure or suggestion within *Reichman* or *Bilbrey el al.*, taken alone or in combination, for a quality test that tests information data for the quality of the received information data to be below a quality threshold value or that no information is data processable by the internet receiving arrangement received from the information server.

Claims 1 and 11 define subject matter for the address server to be operatively connected for address retrieval through the internet. There is no disclosure or suggestion within *Reichman* or *Bilbrey el al.*, taken alone or in combination, for the address server to be operatively connected for address retrieval through the internet.

Appealed claims 2 and 12

Appealed claims 2 and 12 define subject matter for the internet receiving arrangement in which a timer has been provided which at periodically occurring activation instants supply the activation information to the address retrieval means in order to retrieve the collective address information. *Reichman* only uses a timer for activating the retrieval of

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transactions including logging in, performing a search, making a reservation, or checking the price of an item. There is no disclosure or suggestion within *Reichman* or *Bilbrey el al.*, taken alone or in combination, for a timers related to address information. Moreover, there is no disclosure or suggestion within *Reichman* or *Bilbrey el al.*, taken alone or in combination, for for any timer provided at periodically occurring activation instants supply the activation information to the address retrieval means in order to retrieve the collective address information.

Appealed claims 4 and 14

The rejection to appealed claims 4 and 14 alleges that the transactional server 30 within *Reichman* reads on the address server item defined by appealed claim 4 and 14. The appellant, respectfully, points out that the rejection to appealed claims 1 and 11 employed controller 40 from *Reichman* as the address server. Claims 4 and 14 respectively depend from appealed claims 1 and 11. The appellant asserts that the variable reading applied by the rejection for the controller 40 from *Reichman* reading on the address server defined by appealed claims 1 and 11 and then reading transactional server 30 within *Reichman* on the address server item defined by appealed claim 4 and 14 should not be allowed. There is no disclose or suggestion within *Reichman* or *Bilbrey el al.*, taken alone or in combination, that provides a reading of the term address server as defined by the appealed claims on the transaction server 30 of *Reichman*.

Furthermore, there is no disclosure or suggestion within *Reichman* for an address retrieval adapted to retrieve transcoding address information from the address server when activation information is present, which transcoding address information identifies a transcoding server adapted to transcode information data stored in an information server but not processable by the internet receiving arrangement into information data processable by the internet receiving arrangement, and in which the information retrieval means are adapted to retrieve the information data processable by the internet receiving arrangement from the transcoding server identified by the transcoding address information.

Appealed claims 5 and 15

Regarding appealed claims 5 and 15, the rejection alleges that it would be obvious to make the combination of *Reichman* within *Bilbrey el al.* because *Bilbrey el al.* disclose noise generation at col. 15, lines 55-67. The appellant, respectfully assert out that *Bilbrey el al.* teach

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the provision of noise generation to produce linear and Gaussian white noise and for filtering. *Bilbrey el al.* teach a programmable apparatus for processing of video signals from multiple sources to provide special video effects. A person skilled in the art would not look to a reference such as *Bilbrey el al.* to create an internet receiving arrangement as defined by the rejected claims, in which noise generator means are adapted to supply noise information to information data processing means of the internet receiving arrangement during the time that the activation information is present.

Moreover, the rejection entirely fails to address the features of supplying noise information to "during the time that the activation information is present." Therefore, the rejection fails to establish a *prima facie* case of obviousness.

Appealed claims 6 and 16

Appealed claims 6 and 16 define subject matter for an internet receiving arrangement in which the address retrieval means when activation information is present, are adapted to retrieve at least two items of collective address information from at least two address servers connected to the internet. There is no disclosure or suggestion within *Reichman* or *Bilbrey el al.*, taken alone or in combination, for address retrieval means when activation information is present, are adapted to retrieve at least two items of collective address information from at least two address servers connected to the internet.

Appealed claims 7 and 17

Appealed claims 7 and 17 defines subject matter for internet receiving arrangement is formed by an internet television set adapted to receive and process audio/video data in the form of information data. The rejection alleges that *Reichman* teaches that the information data is audio visual data at col. 5, lines 20-40. *Reichman* on col. 5, lines 33-37 states that keeping track of computers for sharing music files. The examiner is attempting to read this disclosure as the music data being the information data. The rejection of the information data in the rejection to appealed claims 1 and 11 was stated as being the data discussed on column 1, lines 55-67; which is performance data. If the information data used in the rejection of appealed claims 1 and 11 was the performance data taught by *Reichman*, the rejection to appealed claims 7 and 17 must be consistent. There is no audio or visual data disclosed or suggested by *Reichman*,

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only performance data. The tracking of active computers discussed on column 5 of *Reichman* that can share music files does not in any way, manner or form disclose or suggest that the performance data being discussed in *Reichman* is audio/visual data. There is no disclosure or suggestion within *Reichman* or *Bilbrey et al.*, taken alone or in combination, for an internet receiving arrangement formed by an internet television set adapted to receive and process audio/video data in the form of information data.

Appealed claims 8 and 18

Appealed claims 8 and 18 define subject matter for the internet receiving arrangements as defined by appealed claims 1 and 11, wherein the information data is audio data. There is no disclosure or suggestion within *Reichman* or *Bilbrey et al.*, taken alone or in combination, for the internet receiving arrangements as defined by appealed claims 1 and 11, wherein the information data is audio data.

Appealed claims 9 and 19

Appealed claims 9 and 19 define subject matter for the internet receiving arrangements as defined by appealed claims 1 and 11, wherein the quality is a measure of is audio data quality. There is no disclosure or suggestion within *Reichman* or *Bilbrey et al.*, taken alone or in combination, for the internet receiving arrangements as defined by appealed claims 1 and 11, wherein the quality is a measure of is audio data quality.

Appealed claims 10 and 20

Appealed claims 10 and 20 define subject matter for the internet receiving arrangements as defined by appealed claims 1 and 11, wherein the information servers are internet radio stations. There is no disclosure or suggestion within *Reichman* or *Bilbrey et al.*, taken alone or in combination, for the internet receiving arrangements as defined by appealed claims 1 and 11, wherein the information servers are internet radio stations.
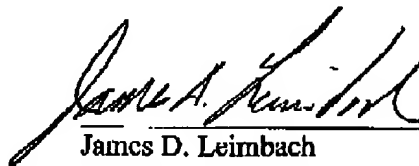
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Conclusion

In summary, the examiner's rejections of the claims are believed to be in error for the reasons explained above. The rejections of each of claims 1-20 should be reversed.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) including fees any required extension of time to Account No. 50-3745.

Respectfully submitted,

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APPENDIX I. Evidence on Appeal

"None"

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APPENDIX II. Related Proceedings

"None"

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APPENDIX III. Claims on Appeal

1. An internet receiving arrangement for receiving information data stored in information servers connected to the internet, the arrangement having address retrieval means which, when activation information is present, are adapted to retrieve collective address information from an address server operatively connected to the address retrieval means through the internet, the collective address information identifying those information servers from which information data processable by the internet receiving arrangement can be retrieved, and having information retrieval means for retrieving the processable information data from an information server identified by the retrieved collective address information, and having quality test means for testing the information data retrieved and received by the information retrieval means and for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value or when no information data processable by the internet receiving arrangement are received from the information server.

2. An internet receiving arrangement as claimed in claim 1, in which timer means have been provided which at periodically occurring activation instants supply the activation information to the address retrieval means in order to retrieve the collective address information.

3. An internet receiving arrangement as claimed in claim 1, in which entry means for the manual entry of the address information of a further information server have been provided from which information data processable by the internet receiving arrangement can be retrieved.

4. An internet receiving arrangement as claimed in claim 1, in which the address retrieval means, when the activation information is present, are adapted to retrieve transcoding address information from the address server, which transcoding address information identifies a transcoding server which is adapted to transcode information data stored in an information server but not processable by the internet receiving arrangement into information data processable by the internet receiving arrangement, and in which the information retrieval means are adapted to retrieve the information data processable by the internet receiving arrangement from the

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transcoding server identified by the transcoding address information.

5. An internet receiving arrangement as claimed in claim 1, in which noise generator means have been provided, which noise generator means are adapted to supply noise information to information data processing means of the internet receiving arrangement during the time that the activation information is present.

6. An internet receiving arrangement as claimed in claim 1, in which the address retrieval means, when activation information is present, are adapted to retrieve at least two items of collective address information from at least two address servers connected to the internet.

7. An internet receiving arrangement as claimed in claim 1, which internet receiving arrangement is formed by an internet television set adapted to receive and process audio/video data in the form of information data.

8. The internet receiving arrangement as claimed in claim 1, wherein the information data is audio data.

9. The internet receiving arrangement as claimed in claim 1, wherein the quality is a measure of is audio data quality.

10. The internet receiving arrangement as claimed in claim 1, wherein the information servers are internet radio stations.

11. An internet receiving arrangement for receiving information data from information servers that are connected to the internet comprising:

an address retrieval device to selectively retrieve collective address information from an address server, the address retrieval device being operatively connected to the address server only through the internet, where an activation information device is employed to determine if address information is retrieved;

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an information retrieval device configured to retrieve information data from the information servers that are identified by the retrieved collective address information, wherein the collective address information identifies those information servers from which information data is to be retrieved; and

a quality test device arranged to test the information data retrieved and received by the information retrieval device and for supplying the activation information to the address retrieval device if the quality of the received information data is below a quality threshold value or when no information data is considered processable by the internet receiving arrangement.

12. The internet receiving arrangement as defined in claim 11, wherein a timer is provided to supply the activation information to the address retrieval device in order to retrieve the collective address information.

13. The internet receiving arrangement defined in claim 11, wherein an entry device is provided for entry of the address information of a further information server from information data can be retrieved.

14. The internet receiving arrangement defined in claim 11, wherein the address retrieval device is adapted to retrieve transcoding address information from the address server, which transcoding address information identifies a transcoding server adapted to transcode information data from an information server but not processable by the internet receiving arrangement, and in which the information retrieval device is adapted to retrieve the information data processable by the internet receiving arrangement from the transcoding server identified by the transcoding address information .

15. The internet receiving arrangement defined in claim 11, further comprising a noise generator, wherein the noise generator is adapted to supply noise information to information data processing means of the internet receiving arrangement during the time that the activation information is present.

16. The internet receiving arrangement defined in claim 11, wherein the address retrieval device

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is adapted to retrieve at least two items of collective address information from at least two address servers connected to the internet.

17. The internet receiving arrangement defined by claim 11, wherein the internet receiving arrangement includes an internet television adapted to receive and process audio/video data in the form of information data.

18. The internet receiving arrangement as claimed in claim 11, wherein the information data is audio data.

19. The internet receiving arrangement as claimed in claim 11, wherein the quality is a measure of is audio data quality.

20. The internet receiving arrangement as claimed in claim 11, wherein the information servers are internet radio stations.

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